

**Notice of Allowability**

Application No.

10/613,950

Examiner

Mr. Terry K. Cecil

Applicant(s)

WARREN ET AL.

Art Unit

1723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12-15-2006 and the telephonic interview of 3-13-2007.
2. ☒ The allowed claim(s) is/are 2-7, 26-28, 52 and 60-63 renumbered upon allowance as claims 2, 4-7, 3, 1 and 8-14.
3. ☒ The drawings filed on 7-3-2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1/18/06; 11/02/05; 10/15/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3-13-2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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*Note: Claims 2-7, 26-28, 52 and 60-63 are allowed and have been respectively renumbered upon allowance as claims 2, 4-7, 3, 1 and 8-14.*

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with K. Mitchell on 3-13-2007.

2. The application has been amended as follows:

- The claims have been amended as in the attached claim set.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

- The independent claim (claim 26) has been amended to require a dry chamber within a housing end cap and the position sensor to be within the dry chamber and to require the gate to be mounted on the filter end cap, wherein the magnet is in proximity to the sensor when water flows through the filter and the gate moves to a second position.
- The closest cited art—Downey—fails to anticipate or render obvious, alone or in any proper combination, the gate position sensor to be within a dry chamber formed within a housing end cap (in Downey the sensor is in a housing sidewall); the gate to be mounted on the filter

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end cap (in Downey the gate is mounted on the filter sidewall); and the magnet of the gate to be in proximity to the sensor when water flows through the filter and the gate moves to a second position (in Downey the gate moves to a second position only in a bypass condition, i.e. when water does not flow through the filter, and the magnet moves further away from the sensor and is not in proximity thereto).

- Note the three IDSs included herewith have been crossed out since the references thereof have already been considered in the IDS of 6-8-2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Claims

1. (Cancelled)
2. (Currently amended) A water filtration device as claimed in claim ~~1~~ 26 wherein said sensor includes an electric circuit ~~measures~~ measuring the time said gate is in said second position.
3. (Currently amended) A water filtration device as claimed in claim ~~2~~ 26 wherein said sensor includes an electric circuit ~~performs~~ performing an algorithm totalizing the flow of filtered water through said device.
4. (Original) A water filtration device as claimed in claim 3 wherein said algorithm totalizes flow rate times time.
5. (Original) A water filtration device as claimed in claim 4 further comprising an indicator for displaying performance of said filter.
6. (Original) A water filtration device as claimed in claim 3 further comprising an indicator for displaying performance of said filter.
7. (Original) A water filtration device as claimed in claim 2 further comprising an indicator for displaying performance of said filter.

Claims 8-25 (Cancelled)

26. (Currently Amended) A water filtration device comprising: a water filter housing having an inlet and an outlet; said water filter housing includes ~~an end cap~~ a housing end cap affixed thereto; a wet chamber formed within said water filter housing; a dry chamber formed within said housing end cap; a water filter non-removably contained within said water filter

housing and including at least one filter end cap; a passageway communicating between said wet chamber and said water filter; a gate having a magnet affixed thereto resides in said wet chamber; said gate swinging ~~between~~ from a first position ~~and to~~ a second position when water flows through said filter; said gate mounted to said filter end cap and rotates about a fixed axis located at one end of said gate when moving from said first to said second position; a gate position sensor resides in said dry chamber of said housing end cap of said water filter housing; and, said gate position sensor being actuated when said gate swings to said second position and said magnet is in proximity to said sensor.

27. (Original) A water filtration device as claimed in claim 26 further comprising electronics and a light emitting diode; said electronics output a signal to said light emitting diode which indicates the performance of the water filtration device.

28. (Original) A water filtration device as claimed in claim 26 wherein said water filter is affixed to a first end cap and a second end cap; and, said first end cap of said filter includes a first hinge member and said gate includes a second hinge member which coacts with said first hinge member to enable said gate to swing between said first and second positions.

Claims 29-51 (Cancelled)

52. (Currently amended) A water filtration device as claimed in claim ~~[1]~~ 26 wherein said filter is a carbon-based filter.

Claims 53-59 (Cancelled)

60. (Currently Amended) A water filtration device as claimed in claim ~~[1]~~ 26 wherein ~~said gate is rotatable between first and second positions; a magnet; said magnet affixed to said gate; said sensor includes a switch; said magnet opening and closing said~~

switch; and, an electric circuit for measuring the time when said switch is closed.

61. (Currently Amended) A ~~filter performance indicator~~ water filtration device as claimed in claim 60 wherein said electric circuit is an integrated circuit.

62. (Currently Amended) A ~~filter performance indicator~~ water filtration device as claimed in claim 60 wherein said switch is a reed switch.

63. (Currently Amended) A ~~filter performance indicator~~ water filtration device as claimed in claim 60 wherein said electric circuit has three discrete outputs.

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Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Steve Griffin, the examiner's supervisor, can be reached at (571)272-1189 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
March 13, 2007